

By Senator Bradley

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1 A bill to be entitled
2 An act relating to policy cancellations and
3 nonrenewals by property insurers; amending s.
4 627.4133, F.S.; prohibiting insurers from canceling or
5 nonrenewing, within certain timeframes, policies
6 covering personal residential or commercial
7 residential properties damaged by hurricanes or wind
8 losses; providing that such prohibition applies to
9 flood damages caused by hurricanes under certain
10 circumstances; providing that an insurer may not
11 cancel personal residential or commercial residential
12 property insurance policies until certain repairs are
13 made or a specified policy renewal expires;
14 prohibiting certain claims for loss or damage from
15 being covered under an extended or renewed policy;
16 specifying that such loss or damage is excluded from
17 the extended or renewed policy; providing
18 applicability; revising exceptions; authorizing the
19 Commissioner of Insurance Regulation to waive certain
20 provisions; providing construction; deleting
21 applicability; revising construction; requiring that
22 certain policies contain similar terms under certain
23 circumstances; amending s. 627.7011, F.S.; requiring
24 homeowner's policy insurers to give specified
25 notifications to policyholders; requiring that such
26 notice be mailed and, under certain circumstances, e-
27 mailed; specifying exceptions to notification
28 requirements; providing an effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

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32 Section 1. Paragraph (e) of subsection (2) of section
33 627.4133, Florida Statutes, is amended to read:

34 627.4133 Notice of cancellation, nonrenewal, or renewal
35 premium.—

36 (2) With respect to any personal lines or commercial
37 residential property insurance policy, including, but not
38 limited to, any homeowner, mobile home owner, farmowner,
39 condominium association, condominium unit owner, apartment
40 building, or other policy covering a residential structure or
41 its contents:

42 (e)1. An ~~authorized~~ insurer may not cancel or nonrenew a
43 personal residential or commercial residential property
44 insurance policy covering a dwelling or residential property
45 located in this state:

46 a. For a period of 90 days after the dwelling or
47 residential property has been repaired, if such property has
48 been damaged as a result of a hurricane or wind loss that is the
49 subject of the declaration of emergency pursuant to s. 252.36
50 and the filing of an order by the Commissioner of Insurance
51 Regulation. Damage under this sub-subparagraph includes flood
52 damage caused by a hurricane if flood is a covered peril under
53 the personal residential or commercial residential property
54 insurance policy. If flood is not a covered peril under the
55 personal residential or commercial residential property
56 insurance policy and the property has been damaged as a result
57 of flood caused by a hurricane, an insurer may not cancel or
58 nonrenew the personal residential or commercial residential

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59 property insurance policy until the earlier of when the property
60 has been repaired or the expiration of one subsequent renewal of
61 the policy that was in force at the time of loss or damage. If
62 an insurer is required to extend or renew a policy pursuant to
63 this sub-subparagraph, any claim for loss or damage arising from
64 unrepaired flood damage caused by a hurricane may not be covered
65 under the extended or renewed policy. Such loss or damage is
66 excluded from the extended or renewed policy regardless of any
67 other cause or event that contributes concurrently or in any
68 sequence to the loss or damage. When flood is not a covered
69 peril under the personal residential or commercial residential
70 property insurance policy, the requirements under this sub-
71 subparagraph to extend or renew the policy do not apply if the
72 insurer has no actual knowledge of the flood damage or if the
73 flood damage, along with the physical evidence of such damage,
74 is not communicated to the insurer before the expiration of the
75 policy.

76 b. Until the earlier of when the dwelling or residential
77 property has been repaired or 1 year after the insurer issues
78 the final claim payment, if such property was damaged by any
79 covered peril and sub-subparagraph a. does not apply.

80 2. The restrictions on cancellation and nonrenewal in sub-
81 subparagraph b. are not applicable to loss or damage to the
82 insured property that is valued at less than the applicable
83 deductible for a personal residential property insurance policy
84 or less than the applicable deductible for a commercial
85 residential insurance policy.

86 3. However, an insurer or agent may cancel or nonrenew such
87 a policy before ~~prior to~~ the repair of the dwelling or

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88 residential property:

89 a. Upon 10 days' notice:

90 (I) For nonpayment of premium; or

91 (II) If the named insured no longer has an insurable
92 interest in the property; or

93 b. Upon 45 days' notice:

94 (I) For a material misstatement or fraud related to the
95 claim;

96 (II) If the insurer determines that the insured has
97 unreasonably caused a delay in the repair of the dwelling; ~~or~~

98 (III) If, after the expiration of the declaration of
99 emergency pursuant to s. 252.36 and the order by the
100 Commissioner of Insurance Regulation, the insurer has made a
101 reasonable written inquiry to the insured as to the status of
102 the repairs and the insured has failed to respond within 30
103 calendar days to provide information that is responsive to the
104 inquiry, including the reasons for any delay in completing
105 repairs, to the address or e-mail account designated by the
106 insurer or its agent; or

107 (IV) If the insurer has paid policy limits for a loss or
108 damage to the insured dwelling under a personal residential
109 policy, or policy limits for a loss or damage to each insured
110 structure that was damaged under a commercial residential
111 policy.

112 ~~4.3.~~ If the insurer elects to nonrenew a policy covering a
113 property that has been damaged, the insurer must ~~shall~~ provide
114 at least 90 days' notice to the insured that the insurer intends
115 to nonrenew the policy 90 days after the dwelling or residential
116 property has been repaired. ~~Nothing in~~ This paragraph does not

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117 ~~shall~~ prevent the insurer from canceling or nonrenewing the
118 policy 90 days after the repairs are complete for the same
119 reasons the insurer would otherwise have canceled or nonrenewed
120 the policy but for the limitations of subparagraph 1. The
121 Financial Services Commission may adopt rules, and the
122 Commissioner of Insurance Regulation may issue orders, necessary
123 to implement this paragraph. The Commissioner of Insurance
124 Regulation may also waive any provision of this paragraph upon
125 approval of a petition filed by an insurer requesting relief due
126 to solvency concerns or other factors that could harm
127 policyholders if the provisions of this paragraph were enforced
128 upon the insurer.

129 ~~5.4.~~ This paragraph is not intended to revise or modify any
130 provision of an emergency order issued by the office before July
131 1, 2025 shall also apply to personal residential and commercial
132 residential policies covering property that was damaged as the
133 result of Hurricane Ian or Hurricane Nicole.

134 ~~6.5.~~ For purposes of this paragraph:

135 a. A structure is deemed to be repaired:

136 (I) When substantially completed and restored to the extent
137 that it is insurable by Citizens Property Insurance Corporation
138 or by another authorized insurer writing policies in this state;
139 or

140 (II) When one of the following persons has inspected and
141 certified or attested to the completion of the repairs:

142 (A) A home inspector licensed under s. 468.8314;

143 (B) A building code inspector certified under s. 468.607;

144 (C) A general, building, or residential contractor licensed
145 under s. 489.111;

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146 (D) A professional engineer licensed under s. 471.015; or

147 (E) A professional architect licensed under s. 481.213.

148 b. The term "insurer" means an authorized insurer.

149 c. If a policy is extended or renewed to comply with this
150 paragraph or with any other provision of the Commissioner of
151 Insurance Regulation's order, the policy must contain policy
152 terms similar to the policy being extended or renewed unless the
153 insurer has updated approved forms that will apply to all
154 insureds with the same endorsement. However, this sub-
155 paragraph does not impact current law with regard to the
156 rates insurers may charge for policies extended or renewed under
157 this paragraph.

158 7. This paragraph does not affect s. 95.11 or s. 627.70132.

159 Section 2. Subsection (7) is added to section 627.7011,
160 Florida Statutes, to read:

161 627.7011 Homeowners' policies; offer of replacement cost
162 coverage and law and ordinance coverage.—

163 (7) Any insurer delivering or issuing a homeowner's
164 insurance policy shall give the policyholder at least 45 days'
165 advance written notice of cancellation, nonrenewal, or rate
166 change. Such notice must be mailed to the policyholder's last
167 address as shown by the records of the insurer and, if an e-mail
168 address has been provided, e-mailed to the last e-mail address
169 on record. However, if cancellation is for nonpayment of
170 premium, at least 10 days' written notice must be given,
171 accompanied by the reason. Written notice of cancellation for
172 nonpayment of premium is not required for homeowner's insurance
173 policies under which premiums are payable monthly.

174 Section 3. This act shall take effect July 1, 2025.